1973. No. 126 **[C]**

COUNTY COURT RULES

County Court (Costs) (Amendment) Rules (Northern Ireland) 1973

RULES, DATED 18TH APRIL 1973, MADE BY THE SECRETARY OF STATE UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a), section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(b) and all other powers enabling me in that behalf, do hereby, upon the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth:—

Citation

1. These Rules may be cited as the County Court (Costs) (Amendment) Rules (Northern Ireland) 1973.

Amendment of principal Rules

2. The provisions of the County Court Rules (Northern Ireland) 1965(c) specified in the first column of the Schedule are hereby amended to the extent specified in the second column thereof.

Revocation

3. So much of the Schedule to the County Court (Costs) Rules (Northern Ireland) 1972(d) as amended Rule 2(2)(*b*) of Order 21 of the said Rules of 1965 is hereby revoked without prejudice to the Schedule to these Rules.

Dated this 18th day of April 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

(a) 1959. c. 25.
(b) 1972. c. 22.
(c) S.R. & O. (N.I.) 1965, No. 261.
(d) S.R. & O. (N.I.) 1972, No. 197.

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1965

Provision amended	Amendment
Order 12: Rule 13A	After the word "also" there shall be inserted the words "within that period".
Order 21: Rule 2	In Order 21 in Rule 2(2)(*b*) for the words "within fourteen days from service of the civil bill" there shall be substituted the words "before the beginning of the period of seven days ending on entry day".
Order 44: Rule 13	After the word "also" there shall be inserted the words "within that period".
Appendix ZL: Part VII	In Table 1 of Part VII of Appendix ZL for footnotes 1, 2 and 3 there shall be substituted the following:— "1. If claim is settled and attendance of applicant's solicitor not required at court for purpose of obtaining a decree, 85% only of costs payable, unless the parties otherwise agree or the Judge orders. 2. Where the respondent has before the hearing of an application in court made an unconditional offer in writing to pay a specified amount for compensation and the compensation awarded by the Judge does not exceed such amount, only 50% of the costs in columns (2) and (3) are payable. Such written offer must be served on the applicant in acordance with section 24 of the Interpretation Act (Northern Ireland) 1954 not less than fourteen days before the commencement of the actual hearing by the Judge. The amount specified in the offer shall not be communicated to the Judge until after he has determined the amount awarded. 3. Where case of exceptional complexity or difficulty, and in any event, taking into account the role of counsel and the nature and content of the proceedings, the Judge may certify an amount exceeding scale figure. 4. Where the Judge considers that it was proper for the applicant to instruct senior as well as junior counsel, he may certify counsel's fees and solicitor's costs in such sum as he considers appropriate. 5. Where the amount awarded exceeds £10,000, the Judge shall, unless the parties otherwise agree, certify the amount for solicitor's costs and the amount allowed for counsel's fees."

EXPLANATORY NOTE

(This note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the County Court (Costs) Rules (Northern Ireland) 1972. They include an amendment to Order 21: Rule 2(2)(*b*) (period within which a defendant may make a lodgment in court) and to the footnotes to Table 1 of Part VII of Appendix ZL of the County Court Rules (Northern Ireland) 1965 (scale of applicant's costs in criminal injury applications) as amended by the 1972 Rules.